

U.S. Application No. 09/455,363

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REMARKS

Claims 26-37 remain pending. Claims 32 and 35 have been rewritten in independent form, including all limitations of claims 26 and 29, respectively, as examined, to place them in condition for allowance pursuant to the Examiner's note on page 8 of the Office action.

Independent claims 26 and 29 have been amended to distinguish yet more clearly the present invention from the combination of disclosures cited in the final Office action dated January 30, 2007, as discussed below.

In particular, claims 26 and 29 have been amended to restate that a sufficiency of coincidence between a first combination of information contained in the received packet and a second combination of information that has been registered in advance, determines whether the received packet is transferred via a second or transmitting port without user authentication. The sufficiency of coincidence is defined as coincidence between the first or receiving I/O port and packet transmission source address of the first combination of information, and an I/O port and transmission source address that have been registered in advance with a correspondence therebetween. That is, it is sufficient that the packet transmission source address and the I/O port that received the packet coincides with the pre-registered transmission source address and I/O port, for the packet to be transmitted without user authentication.

According to Dobbins (US 5,485,455), in column 8, lines 35-36 (cited in the Office action), switch S1 looks up in its connection table to determine if a valid connection exists between the source system M11 and the destination system M99, with authentication or path setting being performed if there is no pre-stored valid

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connection. In column 9, lines 44-46, Dobbins notes that if a valid source-destination MAC pair arrives on a port other than the defined import, it will be considered a security violation. However, Dobbins does not disclose that a coincidence between the import and transmission source address and a pre-stored import and transmission source address is sufficient for packet transfer to occur. In fact, Dobbins positively teaches that the source MAC address and the destination MAC address are a "unique 'connection-identifier'" (column 9, lines 1-3), and that, unlike prior art bridges, Dobbins's secure fast packet switches SFPS use "both the source and the destination MAC IDs to make the forwarding decision" (column 8, lines 12-14). Thus, amended claims 26 and 29 are now more clearly distinguishable from the teachings for which Dobbins is applied in the combination rejections.

In addition, Jain (US 6,311,218) is applied as teaching the user authentication that is missing from Dobbins. However, Jain's authentication is based on a port unit using port table 85; see Column 5, lines 20+ with reference to Figs. 4 and 5. Claim 26, on the other hand, requires a step of "executing user authentication of the user based on the user authentication information thus received and based on the packet transmission source address", while claim 29 (as amended) requires "an authentication portion which registers the receiving I/O port with a correspondence to the packet transmission source address when completing user authentication based on user authentication information sent from the source terminal in response to the request for user authentication and based on the packet transmission source address."

Further, although Inoue (US 6,891,819) is applied in the rejections as teaching that a packet is not transferred when the user is not authenticated, Inoue actually

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teaches that the authentication is performed at the home agent, not at the point of network relaying or at any structure corresponding to the claimed network relaying apparatus. Thus, Inoue's authentication does not correspond to the claimed function or structure that does not transfer the packet received at the first or receiving I/O port when user authentication fails.

In accordance with the foregoing remarks, the Applicants respectfully submit that the claimed invention has been demonstrated to be patentably distinguishable from the combination of Dobbins, Jain, and Inoue. In this regard, the Applicants have considered the Examiner's comments set forth on pages 9-10 of the Office action, but respond that the person of ordinary skill in the art, to whom the claims are directed, would consider each of the disclosures of Dobbins, Jain, and Inoue for what they positively teach and for what they would suggest, and to the extent that each fails to teach that for which it is applied in the combination rejection as argued above, each fails to contribute to rendering obvious the claimed invention in combination with the others. Logically, then, the combination rejection fails if any of the references is removed as not teaching that for which it is applied. To meet formally the Examiner's demand, however, the Applicants note that the combination of teachings is traversed based on the failure in any of Dobbins, Jain, and Inoue, and thus based on the failure in any motivated combination of their teachings, to disclose or fairly suggest the claimed steps and structure discussed above.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the final rejection and allowance of the claims.

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To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. ASA-838).

Respectfully submitted,

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